



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,085	08/31/2000	Mikhail Lotvin		4318

7590 02/19/2003

Richard M Nemes
2231 56th Drive
Brooklyn, NY 11234-6840

EXAMINER

CHANG, SABRINA A

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 02/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/653,085	LOTVIN ET AL.
	Examiner	Art Unit
	Sabrina Chang	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 August 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12,23-25,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12,23-25,31 and 32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 August 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Election/Restrictions

Claims 13-22, 26-30, 33-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 3.

Upon review examiner recognized that claims 31 and 32 are the system claims reflective of the method claims 11 and 12. Both 31 and 32 should have been originally included in Group 1.

Examiner has reviewed claims of the elected invention, Group I – claims 1-12, 23-25, 31 and 32. Examiner maintains applicant's withdrawal of claims 13-22, 26-30 and 33-36.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-7, 9, 11, 12, 23-25, 31 and 32 are rejected under 35 U.S.C. 102(a) as being anticipated by the technology disclosed in the article "Intelligent Agents: A Primer" (Feldman, Susan et al. October 1999. *Searcher*)

Feldman discloses the features, functionalities and potential applications of "intelligent agents" – software programs, inherently comprising scripts, that can identify

Art Unit: 3625

repetitive patterns of behavior, similarities between events or things, and changes in patterns over time [Page 2] (storing acquisition specifications comprising data represented by a scripting language). The agents act on behalf of the user and interact with the external environment including the physical world, other agents or the Internet – this would inherently include advertisements on the web [Page 3]. The agents can perform information flow functions: finding, searching, filtering, categorizing, storing, routing, and/or selectively disseminating information [Page 5] (using compatibility requirements to evaluate offers and information). In one embodiment, the user can dispatch the agent to find the best price with a user-defined “best” criteria [Page 15] (storing acquisition specification) and the agent would act to find bids that meet the user’s requirements (testing acquisition specifications against offering specifications). Agents can also respond to users through a spoken interface (using a voice input) [Page 15].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over technology disclosed in the article “Intelligent Agents: A Primer” (Feldman, Susan et al.

Art Unit: 3625

October 1999. *Searcher*), as rejected in claims 1 and 4, in view of the technology disclosed in the article "Future Calling" (Pournelle, Jerry. December 13, 1999. *Tele.com*).

Feldman does not explicitly disclose that the page, or agent, communicates with Global Positioning System or that the acquisition specifications are provided to the personal page using wireless communication.

Pournelle teaches that intelligent agents, as described in Feldman, could be operated over a wireless network, using GPS-enabled wireless devices [Page 4]. It would have been obvious to modify the system of Feldman to include the ability to program "acquisition specifications" over a wireless network, using a device that is GPS-enabled in order to increase the ubiquity of the system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The article "Writing intelligent Web agents" (Schrenk, Michael. Mar 2000. *Web Techniques*) discloses methods for creating intelligent agents.

The article "Mobile Technology: Looking ahead" (Hager, Jon. Dec. 1999. IBM Syssy) discloses advances in applications of mobile technologies. The article does not specifically discuss how intelligent agents work.

The article "The Role of Human Web assistants in e-commerce: an analysis and a usability study" (Aber, Johan, et al. 2000. *Internet Research*) discloses the applicant's invention substantially, but the date of the article is unclear.

Art Unit: 3625

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Chang whose telephone number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.- Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703 308 1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305 7687 for regular communications and 703 305 7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

SC

February 10, 2003



Jeffrey A. Smith
Primary Examiner